

AMENDMENTS TO LB 711

(Amendments to Final Reading copy)

Introduced by Adams, 24.

1 1. Strike section 2 and insert the following new
2 sections:

3 Sec. 2. Section 79-1022, Revised Statutes Supplement,
4 2009, is amended to read:

5 79-1022 (1) On ~~or before June 1, 2009,~~ or before March
6 1, 10, 2010, and on or before February 1 of each year thereafter,
7 the department shall determine the amounts to be distributed to
8 each local system and each district pursuant to the Tax Equity
9 and Educational Opportunities Support Act and shall certify the
10 amounts to the Director of Administrative Services, the Auditor of
11 Public Accounts, each learning community, and each district. The
12 amount to be distributed to each district that is not a member
13 of a learning community from the amount certified for a local
14 system shall be proportional based on: (a) For school fiscal years
15 prior to school fiscal year 2008-09, the weighted formula students
16 attributed to each district in the local system; and (b) for school
17 fiscal year 2008-09 and each school fiscal year thereafter, the
18 formula students attributed to each district in the local system.
19 The amount to be distributed to each district that is a member of
20 a learning community from the amount certified for the local system
21 shall be proportional based on the formula needs calculated for
22 each district in the local system. On ~~or before June 1, 2009,~~ or

1 before March ~~17~~ 10, 2010, and on or before February 1 of each year
2 thereafter, the department shall report the necessary funding level
3 to the Governor, the Appropriations Committee of the Legislature,
4 and the Education Committee of the Legislature. Certified state
5 aid amounts, including adjustments pursuant to section 79-1065.02,
6 shall be shown as budgeted non-property-tax receipts and deducted
7 prior to calculating the property tax request in the district's
8 general fund budget statement as provided to the Auditor of Public
9 Accounts pursuant to section 79-1024.

10 (2) Except as provided in subsection (8) of section
11 79-1016 and sections 79-1033 and 79-1065.02, the amounts certified
12 pursuant to subsection (1) of this section shall be distributed in
13 ten as nearly as possible equal payments on the last business day
14 of each month beginning in September of each ensuing school fiscal
15 year and ending in June of the following year, except that when a
16 school district is to receive a monthly payment of less than one
17 thousand dollars, such payment shall be one lump-sum payment on
18 the last business day of December during the ensuing school fiscal
19 year.

20 Sec. 3. Section 79-1023, Revised Statutes Supplement,
21 2009, as amended by section 11, Legislative Bill 5, One Hundred
22 First Legislature, First Special Session, 2009, is amended to read:

23 79-1023 (1) On ~~or before June 17, 2009,~~ ~~or~~ or before March
24 ~~17~~ 10, 2010, and on or before February 1 of each year thereafter,
25 the department shall determine and certify to each school district
26 the maximum general fund budget of expenditures minus the special
27 education budget of expenditures for the immediately following

1 school fiscal year.

2 (2) Except as provided in section 79-1028.01, no
3 school district shall have a general fund budget of expenditures
4 minus special grant funds and the special education budget of
5 expenditures more than the greater of (a) the product of the
6 difference of the general fund budget of expenditures minus special
7 grant funds and the special education budget of expenditures
8 for the immediately preceding school fiscal year multiplied by
9 (i) except as otherwise provided in subdivision (a)(ii) of this
10 subsection, the sum of one plus the local system's applicable
11 allowable growth rate or (ii) for school fiscal year 2010-11, the
12 sum of one plus seventy-five hundredths of one percent plus the
13 local system's applicable allowable growth rate or (b)(i) except as
14 otherwise provided in subdivision (b)(ii) of this subsection, the
15 difference of one hundred twenty percent of formula need for such
16 school fiscal year minus the product of the sum of one plus the
17 basic allowable growth rate for such school fiscal year multiplied
18 by the special education budget of expenditures as filed on the
19 school district budget statement on or before September 20 for
20 the immediately preceding school fiscal year or (ii) for school
21 fiscal years 2009-10 and 2010-11, the difference of one hundred
22 sixteen and fifteen-hundredths percent of formula need for such
23 school fiscal year minus the product of the sum of one plus the
24 basic allowable growth rate for such school fiscal year multiplied
25 by the special education budget of expenditures as filed on the
26 school district budget statement on or before September 20 for the
27 immediately preceding school fiscal year.

1 Sec. 4. Section 79-1026.01, Revised Statutes Supplement,
2 2009, is amended to read:

3 79-1026.01 For school fiscal year 2008-09 and each school
4 fiscal year thereafter, ~~on or before June 1, 2009,~~ on or before
5 March ~~1,~~ 10, 2010, and on or before February 1 of each year
6 thereafter, the department shall determine and certify to each
7 Class II, III, IV, or V district an applicable allowable growth
8 rate carried out at least four decimal places as follows:

9 (1) The department shall establish a target budget level
10 range of general fund operating expenditure levels for each school
11 fiscal year for each school district which shall begin at twenty
12 percent less than the school district's formula need and end at the
13 school district's formula need. The beginning point of the range
14 shall be assigned a number equal to the maximum allowable growth
15 rate established in section 79-1025, and the end point of the range
16 shall be assigned a number equal to the basic allowable growth rate
17 as prescribed in such section such that the lower end of the range
18 shall be assigned the maximum allowable growth rate and the higher
19 end of the range shall be assigned the basic allowable growth rate;
20 and

21 (2) For each school fiscal year, each school district's
22 general fund operating expenditures shall be compared to its target
23 budget level along the range described in subdivision (1) of
24 this section to arrive at an applicable allowable growth rate
25 as follows: If each school district's general fund operating
26 expenditures fall below the lower end of the range, such applicable
27 allowable growth rate shall be the maximum growth rate identified

1 in section 79-1025. If each school district's general fund
2 operating expenditures are greater than the higher end of the
3 range, the school district's allowable growth rate shall be the
4 basic allowable growth rate identified in such section. If each
5 school district's general fund operating expenditures fall between
6 the lower end and the higher end of the range, the department shall
7 use a linear interpolation calculation between the end points of
8 the range to arrive at the applicable allowable growth rate for the
9 school district.

10 Sec. 5. Section 79-1027, Revised Statutes Supplement,
11 2009, is amended to read:

12 79-1027 No district shall adopt a budget, which includes
13 total requirements of depreciation funds, necessary employee
14 benefit fund cash reserves, and necessary general fund cash
15 reserves, exceeding the applicable allowable reserve percentages
16 of total general fund budget of expenditures as specified in the
17 schedule set forth in this section.

18	Average daily	Allowable
19	membership of	reserve
20	district	percentage
21	0 - 471	45
22	471.01 - 3,044	35
23	3,044.01 - 10,000	25
24	10,000.01 and over	20

25 On ~~or before June 1, 2009,~~ or before March 1, 10,
26 2010, and on or before February 1 each year thereafter, the
27 department shall determine and certify each district's applicable

1 allowable reserve percentage.

2 Each district with combined necessary general fund cash
3 reserves, total requirements of depreciation funds, and necessary
4 employee benefit fund cash reserves less than the applicable
5 allowable reserve percentage specified in this section may,
6 notwithstanding the district's applicable allowable growth rate,
7 increase its necessary general fund cash reserves such that the
8 total necessary general fund cash reserves, total requirements
9 of depreciation funds, and necessary employee benefit fund
10 cash reserves do not exceed such applicable allowable reserve
11 percentage.

12 Sec. 6. Section 79-1031.01, Revised Statutes Supplement,
13 2009, is amended to read:

14 79-1031.01 The Appropriations Committee of the
15 Legislature shall annually include the amount necessary to fund the
16 state aid that will be certified to school districts ~~on or before~~
17 ~~June 1, 2009,~~ on or before March ~~1,~~ 10, 2010, and on or before
18 February 1 for each school year thereafter in its recommendations
19 to the Legislature to carry out the requirements of the Tax Equity
20 and Educational Opportunities Support Act.

21 Sec. 7. Original section 79-4,108, Reissue Revised
22 Statutes of Nebraska, sections 79-1022, 79-1026.01, 79-1027, and
23 79-1031.01, Revised Statutes Supplement, 2009, and section 79-1023,
24 Revised Statutes Supplement, 2009, as amended by section 11,
25 Legislative Bill 5, One Hundred First Legislature, First Special
26 Session, 2009, are repealed.

27 2. On page 1, strike beginning with "unified" in line

1 1 through the semicolon in line 4 and insert "schools; to
2 amend section 79-4,108, Reissue Revised Statutes of Nebraska,
3 sections 79-1022, 79-1026.01, 79-1027, and 79-1031.01, Revised
4 Statutes Supplement, 2009, and section 79-1023, Revised Statutes
5 Supplement, 2009, as amended by section 11, Legislative Bill 5, One
6 Hundred First Legislature, First Special Session, 2009; to change
7 provisions relating to interlocal agreements for unified school
8 systems; to change dates relating to certification of state aid
9 under the Tax Equity and Educational Opportunities Support Act; to
10 repeal the original sections;".

11 3. Renumber the remaining section accordingly.